

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 11**

**[Docket No. 22081; Amdt. No. 11-22]**

**Delegation of Authority To Make  
Determinations Under the Regulatory  
Flexibility Act**

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment delegates to the heads of the agency's appropriate Regions, Offices, Services, and Centers, the authority to make findings and determinations under the Regulatory Flexibility Act with regard to any rulemaking document for which issuance authority has already been delegated. This amendment is necessary to ensure timely compliance with the Act.

**EFFECTIVE DATE:** August 17, 1981.

**FOR FURTHER INFORMATION CONTACT:**  
Edward P. Faberman, Office of the Chief  
Counsel, Federal Aviation  
Administration, 800 Independence Ave.,  
SW., Washington, DC 20591; telephone  
(202) 426-3073.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act, Pub. L. 96-354, which became effective on January 1, 1981, requires consideration of the effect of proposed and final rules on small entities, i.e., small businesses, organizations, and governments. In connection with these considerations, the Act requires agency heads to make findings and determinations in several instances. For example, 5 U.S.C. 608(b), which was added by the Act, permits an agency head to delay the completion of a regulatory flexibility analysis (an analysis of the impact of a rule on small entities) for a final rule being issued in response to an emergency situation.

Much of the rulemaking authority of the agency has been delegated to the heads of the agency's Regions, Offices, and Services. These delegations are specified in 14 CFR Part 11. In order for these rulemaking functions to be carried out efficiently, under this delegated authority, it is necessary for those delegated this authority to also be permitted to carry out the associated responsibilities under the Regulatory Flexibility Act. Accordingly, the authority to carry out Regulatory Flexibility Act responsibilities is being delegated to those officials who have already been delegated rulemaking responsibilities within the agency.

Since this amendment relates to agency management, procedures and

practices, notice and public procedure on it are not required and it may be made effective in fewer than 30 days after publication in the **Federal Register**. For the same reasons, it is not subject to the requirements of Executive Order 12291 on Federal Regulations.

**The Amendment**

Accordingly, Part 11 of the Federal Aviation Regulations (14 CFR Part 11) is amended, effective August 17, 1981, by inserting a new paragraph in the reserved § 11.13 to read as follows:

**§ 11.13 Delegation of authority.**

All agency officials, with regulatory issuance authority, may exercise the authority of the Administrator to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this Part.

(Sec. 313(a), 314(a), 601 through 610, 1102, the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Washington, DC, on August 7, 1981.

**J. Lynn Helms,**  
*Administrator.*

[FR Doc. 81-23899 Filed 8-14-81; 8:45 am]

**BILLING CODE 4910-13-M**